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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/914,494  | 08/29/2001  | Jose Arnau           | CM 2057M            | 8081             |
| 27752   | 7590        | 12/28/2005           | EXAMINER            |                  |
| THE PROCTER & GAMBLE COMPANY<br>INTELLECTUAL PROPERTY DIVISION<br>WINTON HILL TECHNICAL CENTER - BOX 161<br>6110 CENTER HILL AVENUE<br>CINCINNATI, OH 45224 |             |                      | DOUYON, LORNA M     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1751                |                  |
| DATE MAILED: 12/28/2005   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                             |                  |
|------------------------------|-----------------------------|------------------|
| <b>Office Action Summary</b> | Application No.             | Applicant(s)     |
|                              | 09/914,494                  | ARNAU ET AL.     |
|                              | Examiner<br>Lorna M. Douyon | Art Unit<br>1751 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on October 3, 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 17,19-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 17,19-21 and 23-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

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1. This action is responsive to the amendment filed on October 3, 2005.
2. Claims 17, 19-21, 23-30 are pending.
3. Claims 17, 19-20 and 23-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Salager et al. (EP 0,846,756), hereinafter “Salager” for the reasons set forth in the previous office action.
4. Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Salager as applied to the above claims, and further in view of Creed (US Patent No. 6,007,735) for the reasons set forth in the previous office action.
5. Claims 17, 19-21, 23-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 is indefinite because “organic phosphonates” (see line 8) read on “alkali metal ethane 1-hydroxy diphosphonates” (see lines 4-5), “amino alkylene poly (alkylene phosphonates) (see line 8), and “nitrilo trimethylene phosphonates” (see line 9). Claims in which the recited components may read upon another do not meet the requirements of 35 U.S.C. 112, second paragraph (see *Ex parte Ferm*, 162 USPQ 504 (BPAI 1968)). In addition, “alkali metal ethane 1-hydroxy diphosphonates” in lines 8-9 is a repetition of the same compound in lines 4-5.

Lastly, it is suggested that "MG<sub>2</sub>EDDS" in line 6 be replaced with "Mg<sub>2</sub>EDDS", and "pentacetic" in line 6 be replaced with "pentaacetic".

Claims 19-21, 23-30, being dependent upon claim 17, are rejected as well.

***Response to Arguments***

6. Applicants' arguments filed October 3, 2005 have been fully considered but they are not persuasive.

With respect to the obviousness rejection of claims 17, 19-20 and 23-30 based upon Salager, and claim 21 over Salager in view of Creed, Applicants argue that claim 17 has been amended and that the claims are believed to be in condition for allowance.

The Examiner respectfully disagrees with the above arguments because, as stated in the previous office action, Salager teaches detergent tablets comprising a core and a coating, the tablet further comprises a disintegrant, at least some of the disintegrant being in the coating (see abstract), the coating materials include C2-C13 dicarboxylic acids, preferably oxalic acid, malonic acid, succinic acid, glutaric acid, adipic acid, etc. (see page 3, lines 44-48), and the disintegrant added in the coating include clay, among others (see page 4, lines 14-21). Salager also teaches perfumes that are commonly used in detergents (see page 9, lines 51-53), hence would have included perfumes that are free of Schiff bases. With respect to the heavy metal ion sequestrant, on page 5, lines 35-40, Salager teaches detergent builders which can optionally be included in the composition and the level of the builder can vary widely depending upon the end use of the composition, and useful builders include ethylenediamine tetraacetic acid (see page 6, lines 35-38) and phosphonate builders such as ethane-1-hydroxy-1,1-diphosphonate (see page 7,

lines 1-3), which is also a heavy metal ion sequestrant. On page 10, line 25, Salager teaches sodium HEDP (sodium ethane 1-hydroxy-1,1-diphosphonate), in an amount from 0.62 to 0.79 wt%, which meets the recited amount. With respect to the obviousness rejection of claim 21 over Salager in view of Creed, as stated in the previous office action, each of Salager and Creed teaches coated tablets, hence the idea of combining the sequestrant coating of Creed and the clay coating of Salager flows logically from their having been individually taught in the prior art. See *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980) and MPEP 2144.06.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free):

*Lorna M. Douyon*  
Lorna M. Douyon  
Primary Examiner  
Art Unit 1751